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July 13, 2007

BY FAX - 212-805-6390

Hon. William H. Pauley
United States District Court Judge
Southern District of New York
500 Pearl Street (Chambers - 2210)
New York, New York 10007

RE: Sunco Group Inc. v. Earth Biofuels, Inc.
07 CV 4776 (WHP)

Dear Judge Pauley:

We represent the Defendant, Earth Biofuels, Inc. ("Earth"), in connection with the above-referenced action, in which today's conference has been adjourned due to the filing of an involuntary petition under Chapter 7 of the Bankruptcy Code against Earth Biofuels, Inc. Enclosed herewith is a copy of the involuntary petition, which I received late in the day yesterday, and immediately contacted Your Honor's chambers.

Pursuant to our conversation with Jenna of Your Honor's chambers, this will confirm that a status conference will be rescheduled by the Court in approximately 30 days.

We appreciate the Court's consideration of this matter.

Respectfully submitted,

Joshua Kimerling Jr
Joshua Kimerling

JK:jv

Enclosure

cc: Philip C. Berg, Esq. (w/enc.)

Application granted. The IPTC
is adjourned to 9/20/07 at
9:45 a.m.

SO ORDERED:

William H. Pauley
WILLIAM H. PAULEY, U.S.D.J.

8/23/07